

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 1:17-CR-182

Plaintiff,

v.

Hon. Robert J. Jonker

DONALD J. MILLER

Defendant(s).

**GOVERNMENT'S  
INITIAL PRETRIAL CONFERENCE  
SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

☐

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).

☒

There are the following written records of oral statements:

Law enforcement report summarizing statements the defendant made to law enforcement on October 21, 2016.

The substance of which

☒

has been disclosed to defense counsel.

☐

will be disclosed to defense counsel by \_\_\_\_\_.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

☐

There are no written or recorded statements or grand jury testimony of defendant.

☒

There are the following written or recorded statements or grand jury testimony:

Audio recording of statements the defendant made to law enforcement on October 21, 2016.

All written or recorded statements

☒

have been disclosed to defense counsel.

☐

will be disclosed to defense counsel by \_\_\_\_\_.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

- ☐ The Government has made due inquiry and is not aware of any prior criminal record.
- ☒ The Government has disclosed defendant's prior criminal history.
- ☐ The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

- ☐ The Government has no documents, tangible objects, or physical evidence required to be disclosed.
- ☒ The Government has the following documents, tangible objects, and physical evidence:
- ☐ Drug Paraphernalia      ☐ Drug Records      ☐ Inventory (attached)
- ☐ Controlled Substances: \_\_\_\_\_
- ☐ Records: \_\_\_\_\_
- ☐ Firearms: \_\_\_\_\_
- ☒ Other: Video surveillance of courtroom 580 on 8/22/16; US Code Book
- ☐ The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:
- ☐ State
- ☐ Federal:
- Case No. \_\_\_\_\_ Re: \_\_\_\_\_
- Case No. \_\_\_\_\_ Re: \_\_\_\_\_
- Case No. \_\_\_\_\_ Re: \_\_\_\_\_
- ☐ They have been made available for inspection and copying by defense counsel.
- ☒ Defense counsel should make arrangements with:
- AUSA Kate Zell

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

- ☒ The Government has no reports of examinations or tests required to be disclosed by Rule 16.
- ☐ The Government has or expects to have reports of the following examinations and tests:
- ☐ Drug Analysis      ☐ Handwriting      ☐ Fingerprints
- ☐ DNA      ☐ Firearms/Nexus      ☐ Gun Operability
- ☐ Computer Forensics      ☐ Other: \_\_\_\_\_

E. Reciprocal Discovery

- ☒ The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

☒ The Government does not presently intend to introduce 404(b) evidence.

☐ The Government does presently intend to introduce the following 404(b) evidence:

The government does not presently intend to introduce evidence of the nature of the civil matter that was pending before U.S. Magistrate Judge Kent at the time of the instant offense. If the government later decides to introduce such evidence, it will provide notice at least two weeks before the FPTC.

☒ The Government will provide pretrial notice of 404(b) evidence by 2 weeks prior FPTC.

G. Other Discovery Matters

If the government receives additional Rule 16 discovery materials, those items will be provided to defense counsel in a timely manner, as required by Rule 16.

II. TRIAL

A. The Government requests a ☒ jury ☐ non-jury trial.

B. The length of trial excluding jury selection is estimated at 2.

III. MISCELLANEOUS

☐ This case may be appropriate for expedited resolution.

☒ The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.

☐ The Government is aware of the following potential conflicts:

☒ Government's plea negotiation policy:

No concessions within two weeks of Final Pretrial Conference.

Date 8/29/2017

Kate Zell, Assistant United States Attorney  
Counsel for the United States